

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FLETCHER HOWE,

Plaintiff(s),

V.

Case No. 2:22-cv-01166-JCM-DJA

Order

[Docket No. 30]

FIRSTKEY HOMES, LLC,

Defendant(s).

13 Pending before the Court is an order to show cause why Plaintiff and Plaintiff's counsel
14 should not pay the defense's attorneys' fees related to the vacated early neutral evaluation. Docket
15 No. 30 (citing Fed. R. Civ. P. 16(f)). That order to show cause arises out of the failure to meet
16 three separate deadlines to submit a confidential evaluation statement. *See* Docket No. 29
17 (deadline of March 24, 2023); Docket No. 24 (deadline of March 22, 2023); Docket No. 10 at 4
18 (deadline of March 1, 2023).

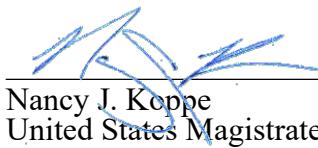
19 Plaintiff and Plaintiff's counsel filed a response pointing to health issues and medical
20 procedures as the cause for these violations. Docket No. 31. The Court appreciates that
21 unexpected circumstances sometimes arise, complicating efforts to meet deadlines. When such
22 circumstances arise, however, the proper course is to file a request for an extension rather than
23 simply allowing a deadline to lapse without taking any action. *See, e.g., Christiana Trust v. SFR*
24 *Invs. Pool 1, LLC*, 2019 WL 4934190, at *3 & n.5 (D. Nev. Oct. 7, 2019). Plaintiff's counsel is
25 admonished for that shortcoming and must do better moving forward. The order to show cause is
26 otherwise **DISCHARGED**.

27 The time for conducting an early neutral evaluation has passed, *see* Local Rule 16-6(d),
28 and one will not be reset in this case. Accordingly, the Clerk's Office is **INSTRUCTED** to remove

1 this case from the early neutral evaluation program and to remove the undersigned magistrate
2 judge from the case. The parties are strongly encouraged to engage in robust settlement
3 discussions in prompt fashion given the inability to conduct a formal early neutral evaluation.

4 IT IS SO ORDERED.

5 Dated: April 11, 2023

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7 Nancy J. Koppe
8 United States Magistrate Judge

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